



## DOOR COUNTY

### Resolution No. 2012-53

## PERSONNEL POLICY AND PROCEDURE REVISION 305.0 – Alcohol / Drugs

### TO THE DOOR COUNTY BOARD OF SUPERVISORS:

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD	✓		
BRANN	✓		
ENGLEBERT	✓		
ENIGL	✓		
FEUERSTEIN	✓		
FISHER	✓		
FONTAINE	✓		
GUNNLAUGSSON	✓		
HAINES	✓		
KOHOUT	✓		
LIENAU	✓		
MEYER	✓		
MOELLER	✓		
MULLIKEN	✓		
NEINAS	✓		
O'CONNOR	✓		
RUNQUIST			✓
SCHULTZ	✓		
VIRLEE	✓		
WIEGAND	✓		
ZIPPERER	✓		
	20	0	1

#### BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve

Adopted ☒

1st Fisher

Defeated ☐

2nd Haines

Yes: 20 No: 0 Exc: 1

Reviewed by:

[Signature] Corp: Counsel

Reviewed by: 05-16-12

[Signature], Administrator

**FISCAL IMPACT:** Adoption of this resolution sets policy and procedure. There is no fiscal impact. sms

#### Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 22nd day of May, 2012 by the Door County Board of Supervisors.

Jill M. Lau  
Jill M. Lau  
County Clerk, Door County

1 **WHEREAS**, The Administrative Committee has reviewed  
2 recommendations to revise Personnel Policy and Procedure  
3 305.0 ALCOHOL / DRUGS, [attached hereto and incorporated  
4 herein by reference]; and

5  
6 **WHEREAS**, The Administrative Committee recommends the  
7 revision of Personnel Policy and Procedure 305.0 ALCOHOL /  
8 DRUGS, be approved by the Door County Board of Supervisors.

9  
10 **NOW, THEREFORE, BE IT RESOLVED**, That the Door  
11 County Board of Supervisors does hereby approve Personnel  
12 Policy and Procedure, 305.0 ALCOHOL / DRUGS, revisions,  
13 effective this date by the Door County Board of Supervisors.  
14

#### SUBMITTED BY: ADMINISTRATIVE COMMITTEE

Daniel Austad  
Daniel Austad, Chairman

Leo W. Zipperer  
Leo W. Zipperer

Kenneth Fisher  
Kenneth Fisher

Cletus Fontaine  
Cletus Fontaine

David Lienau  
David Lienau

John Neinas  
John Neinas

Richard J. Virlee  
Richard Virlee

ALCOHOL / DRUGS			
County of Door			
Issue Date:	Revision Update(s):	Total Pages:	Policy: 305.0
Policy Source:		Resolution #	
Special Instructions: Replaces existing policy #305.0			

### 305.0 – ALCOHOL / DRUGS

Employees must report to work free of drugs, intoxicants, alcohol, narcotics, or any other controlled substance. Employees may be disciplined, up to and including termination, for possession, consumption, not being free of, or use of any drugs, drug paraphernalia, intoxicants, alcohol, narcotics, or any other controlled substance, on or about County premises at any time.

Because prescription medication can also affect an individual's demeanor and job performance, it is the employee's responsibility to notify his or her immediate supervisor if he or she is taking any such legal prescription drugs. Such prescription drugs must be given under medical supervision and may not interfere with the performance of job duties.

Under certain circumstances, the County may require an employee to undergo a drug and/or alcohol test when the County has reasonable suspicion that the employee is in violation of this rule. The employee will be referred to a certified testing laboratory for completion of the test.

Depending on the seriousness and circumstances of the offense, and at the County's sole discretion, an employee who tests positive for drugs and/or alcohol may be referred to a counseling, rehabilitation, or employee assistance program, at the employee's expense. Refusal to cooperate in this program may result in discipline, up to and including termination.

Employees (e.g., Highway Department employees) who operate commercial motor vehicles requiring a CDL may be subject to FMSCA, DOT, and/or other alcohol and drug testing rules.

[See: *Drug-Free Workplace Policy*, attached hereto and incorporated herein by reference as if fully set forth.]

**Drug-Free Workplace Policy**  
**[Consistent with the Drug-Free Workplace Act of 1988]**

**Purpose and Goal**

Door County is committed to protecting the safety, health and well being of all employees and other individuals in the workplace. It is recognized that alcohol abuse and drug use may pose a significant threat to these goals. This drug-free workplace policy balances respect for individuals with the need to maintain an alcohol and drug-free environment.

Door County encourages employees to voluntarily seek help with drug and alcohol problems.

**Covered Workers**

Any individual who conducts business for Door County, is applying for a position or is conducting business on the County's property is covered by this drug-free workplace policy. This policy includes, but is not limited to full-time employees, limited term employees, part-time employees, seasonal employees, certain contractors, volunteers, interns, and applicants.

**Applicability**

This drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for Door County. Therefore, this policy applies during all working hours, whenever conducting business or representing Door County, while on call, paid standby, while on Door County property and at Door County-sponsored events.

**Prohibited Behavior**

It is a violation of this drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, and/or notify supervisor) to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of this drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.

**Notification of Convictions**

Any employee who is convicted of a criminal drug violation in the workplace must notify Door County in writing within five calendar days of the conviction. Door County will take appropriate action within 30 days of notification. Federal contracting agencies will be notified when appropriate.

**Searches**

Entering Door County property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted of pockets and clothing, lockers, wallets, purses, briefcases and lunchboxes, desks and work stations, equipment and vehicles.

**Drug Testing**

To ensure the accuracy and fairness of this testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a

legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

All drug-testing information will be maintained in separate confidential records.

Each employee, as a condition of employment, will be required to participate in pre-employment, pre-duty, periodic, random, post-accident, reasonable suspicion, return-to-duty and/or follow-up testing upon selection or request of Door County.

The substances that will be tested for are: Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone, Methadone and/or Propoxyphene.

Testing for the presence of alcohol will be conducted by analysis of breath, saliva and/or blood.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine, blood, hair, saliva and/or sweat.

Any employee who tests positive will be immediately removed from duty, suspended without pay for a period of 30 days, referred to a substance abuse professional for assessment and recommendations, required to successfully complete recommended rehabilitation including continuing care, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement, subject to ongoing, unannounced, follow-up testing for a period of five years and terminated immediately if he/she tests positive a second time or violates the Return-to-Work Agreement.

An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

### **Consequences**

One of the goals of this drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may reapply after one year and must successfully pass a pre-employment drug test.

If an employee violates the policy, he or she will be subject to progressive disciplinary action and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

### **Return-to-Work Agreements**

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

### **Assistance**

Door County recognizes that alcohol and drug abuse and addiction are treatable illnesses. It is also recognized that early intervention and support improve the success of rehabilitation. To support employees, Door County's drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.

- Ensures the availability of a current list of qualified community professionals.
- Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

### **Confidentiality**

All information received by Door County through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and Door County policies.

### **Shared Responsibility**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and Door County have important roles to play.

All employees are required to not report to work or not be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

It is the Human Resources Director's, Department Head's and/or designee's responsibility to:

- Inform employees of the drug-free workplace policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Refer employees to the Employee Assistance Program.
- Clearly state consequences of policy violations.

### **Communication**

Communicating this drug-free workplace policy to all employees is critical to its success. To ensure all employees are aware of their role in supporting this drug-free workplace program:

- All employees will receive a written copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.
- The policy and assistance programs will be reviewed at safety meetings.
- All employees will receive an update of the policy annually.
- Posters and brochures will be available at all locations.
- Employee education about the dangers of alcohol and drug use and the availability of help will be provided to all employees.

Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.



RETURN TO WORK [LAST-CHANCE] AGREEMENT

It is hereby agreed by and between the parties, Door County ["Employer"], **[Bargaining Unit]** and **INSERT EMPLOYEE'S NAME** ["Employee"], that the outstanding issues shall be resolved as follows:

1. This Agreement is in lieu of discharge. Its primary purpose is to provide the Employee one last opportunity to address her/ his attendance, performance and/or misconduct issues.
2. A ( ) work day disciplinary suspension is hereby imposed. The dates of the suspension to be determined by the **INSERT NAME OF DEPARTMENT HEAD OR IF A DEPARTMENT HEAD, HRD OR CA**
3. Upon return from the disciplinary suspension, the Employee shall be on probationary status for a period commencing upon execution of this Agreement and ending one (1) year thereafter.
4. The Employee shall provide the Employer with a fitness-for-duty-evaluation from **DESIGNATE MEDICAL CARE PROVIDER**., declaring the Employee fit to return to duty.
5. The Employee shall refrain from the use and shall be free from the effects of alcohol and non-prescribed controlled substances [i.e., absolute sobriety] while on duty.
6. The Employee shall, during the period of probation, submit to random testing [including preliminary breath screening tests] for alcohol and controlled substances when reporting to or while on duty.
7. The Employee shall undergo an alcohol and other drug abuse assessment, by **DESIGNATE PROVIDER** , to identify any alcohol and other drug abuse issues and successfully complete treatment as recommended by the assessment.
8. The Employer may monitor this treatment, but only to the extent necessary to insure Employee's attendance and satisfactory completion of treatment. This includes:
  - a. Employee will provide Employer with a letter, from the provider, attesting to her/his admission to an accredited program of treatment for alcohol and/or other drug abuse.
  - b. For In-patient treatment Program: Employee must fully comply with and satisfactorily complete the treatment program to which s/he is admitted. Employee must ensure that the provider submits a certification of completion of the program to the Employer.
  - c. For Out-patient Treatment Program: Employee must: fully comply with and satisfactorily complete the treatment program to which s/he is admitted. Employee must ensure that provider submits both a weekly progress report attesting to Employee's continued participation in the program and compliance with its requirements and a certification of completion of the program to Employer.
9. Upon returning to work, Employee will be expected to correct the problems (i.e., work attendance, performance, and/or misconduct) related to her/his attendance, work performance, and/or misconduct that led to this Agreement. Specifically:
  - a. The Employee shall have perfect attendance and punctuality with exception of legitimate illness during the period of probation.  
Of primary concern here is where the use of alcohol or a non-prescribed controlled substance causes the Employee not to report to work or to report to work late or report to work under the influence of an intoxicant; or causes her/him to be arrested and unavailable for work.
  - b. **PERFORMANCE REQUIREMENTS**
  - c. Employee shall have no further instances of misconduct.
  - d. **OTHER**
10. The Employee and **Bargaining Unit** each understands and agrees that the any violation (e.g., failure to meet assessment and treatment requirements, failure to provide required documentation, failure

to meet attendance requirements or performance requirements, misconduct, failure to undergo testing, positive alcohol other drug test, and/or use of alcohol or other drug while on duty) of this Agreement by the Employee is just cause for the Employer to immediately discharge the Employee.

11. This Agreement shall take effect when fully executed and shall remain in effect for one (1) year.
12. This Agreement does not alter the Employee's at will status (if applicable).
13. This agreement constitutes the full and final resolution of this matter.
14. This agreement is non-precedential.

Dated this     of                      , 20     .

**Bargaining Unit**

\_\_\_\_\_  
\_\_\_\_\_, Staff Representative

**Employee**

\_\_\_\_\_  
\_\_\_\_\_, Employee  
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**County of Door**

\_\_\_\_\_  
Grant P. Thomas  
Door County Corporation Counsel

\_\_\_\_\_  
Kelly Hendee  
Door County Human Resources Director

\_\_\_\_\_  
Department Head